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6 Attorney for Defendant

7 **Melahat Rafiei**

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10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA, )  
13 Plaintiff, ) Case No. 8:23-CR-006-  
14 vs ) FLA  
15 )  
16 **MELAHAT RAFIEI,** ) **DEFENDANT' S**  
17 ) **OBJECTIONS/CORRECTIONS**  
18 Defendant. ) **TO THE PSR**  
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18 Defendant, MELAHAT RAFIEI, by and through her  
19 attorney of record, Jennifer J. Wirsching hereby  
20 submits her corrections/objections to the PSR.

22 Informal objections were sent via email to the  
23 government and the PSR writer on July 8, 2025.  
24  
25  
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1 **Defendant's Objections/Corrections to the PSR**

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4 **Cover page** Defense council name, and address  
5 should be updated to reflect:

6 Jennifer J. Wirsching

7 2600 West Olive Ave. 5<sup>th</sup> floor Burbank, CA  
8 91505

9 424-901-9280

10 [Wirschinglaw@outlook.com](mailto:Wirschinglaw@outlook.com)

11

12 **Page 1** Defendant respectfully requests that Ms.  
13 Wirsching's recently changed contact information  
14 be updated to reflect that listed in ECF (as  
reflected above.)

15 **Page 3** Defendant respectfully objects to the  
16 improper base offense level calculation of 12. The  
17 correct base offense level is 7.

18 **Page 3** Defendant respectfully objects to the  
19 improper calculation of specific offense  
20 characteristics as 16. Specific offense  
characteristics correctly total 12.

21 **Page 3** Defendant respectfully objects to the  
22 improper calculation of adjusted offense level as  
23 28. The adjusted defense level should be 19.

24 **Page 3** Defendant respectfully objects to the  
25 inclusion of a multiple count adjustment, which is  
26 inapplicable to this case. (See discussion in  
objection to §23 et. al. below for elucidation)

1           **Page 3** Defendant respectfully objects to the  
2 incorrect calculation of the total offense level  
3 as 24. Total adjusted defense level should be 14.

4           **Page 3** Defendant respectfully objects to the  
5 incorrect guideline range of 51 to 63 months. The  
6 correct guideline range should be 15 to 21 months.

7           **¶4** Defendant respectfully objects that she agreed  
8 that "the court may consider uncharged conduct in  
9 determining the applicable sentencing guideline  
10 range" (emphasis added) There is no such language  
11 in the plea. Such a statement is also inconsistent  
12 with the express language of the plea in which the  
13 parties agree that the base offense level is 7,  
14 and at the loss amount is more than \$250,000 which  
15 carries +12 points.

16           **¶22** Defendant respectfully objects to the use of  
17 the 2023 guidelines manual. USSG § 1B 1.11 states  
18 "the court shall use the guidelines manual in  
19 effect on the date that the defendant is  
20 sentenced." Defendant is set to be sentenced in  
21 August 2025. At that time the guidelines manual in  
22 effect will be the 2024 manual.

23           **¶23** Defendant respectfully objects to the  
24 inclusion of uncharged conduct being used to  
25 calculate a separate group. USSG §1.B1.2 is  
inapplicable to this case.

26           USSG §1B1.2(a) states "[h]owever, in the case of a  
27 plea agreement . . . containing a stipulation that  
28 specifically establishes a more serious offense  
29 than the offense of conviction, determine the  
30 offense guideline section in Chapter Two

1 applicable to the stipulated offense." (Emphasis  
2 Added)

3 USSG §1B1.2 requires that the government and  
4 defense included a stipulation in the plea  
5 agreement that specifically sets out a more  
6 serious offense than the charge plead to, and that  
7 they included that stipulation because they  
specifically intended USSG §1B1.2 to be employed.  
8 The parties did not so stipulate, no stipulation  
9 is included, and the parties did not intend for  
USSG §1B1.2 to be employed.

10  
11       There is No Stipulation in the Plea Agreement  
12                    Regarding USSG 1B1.2

13  
14       USSG §1B1.2(c) states "A factual statement or a  
15       stipulation contained in a plea agreement (written or  
16       made orally on the record) is a stipulation for  
17       purposes of subsection (a) **only** if both the defendant  
18       and the government **explicitly agree that the factual**  
**statement or stipulation is a stipulation for such**  
**purposes.** " (Emphasis Added)

19       There is no stipulation in the plea agreement to  
20       any other offense. Beyond there being no stipulation  
21       at all, there is no "explicitly stated" agreement that  
22       the stipulation is there for the purpose of  
23       establishing a basis for the use of USSG §1B1.2(c).  
24       The parties in this matter did not contemplate, agree  
25       nor stipulate to the use of USSG §1B1.2 in the plea  
26       agreement, which is why any such are absent.  
Therefore, USSG §1B1.2(c) is inapplicable in this  
matter.

1           **¶24** Defendant respectfully objects to the  
2 inclusion of this paragraph as it is irrelevant.  
3 Please see discussion of objection to paragraph 23  
4 above.

5           **¶25** Defendant respectfully objects to the  
6 inclusion of this paragraph. As discussed above in  
7 the objection to paragraph 23 there is no  
8 stipulation included in the plea agreement. The  
9 parties did not explicitly state that they  
intended to be USSG 2B1.2(c) to be included. The  
section is irrelevant to this matter.

10           **¶26** Defendant respectfully objects the inclusion  
11 of this paragraph, as there is no pseudo count,  
12 there is no stipulation to a pseudo count, there  
13 is no explicit statement the parties intended for  
USSG § 2B1.2(c) to be included.

14           **¶29-30** Defendant respectfully objects to the  
15 inclusion of this specific offense characteristic.  
16 The offense conduct did not include sophisticated  
17 means. The conduct discussed in this paragraph is  
18 standard conduct found in virtually all wire fraud  
transactions. There should be no additional points  
added for sophisticated means.

19           **¶35** Defendant respectfully objects to the  
20 incorrect adjusted offense level of 21. As  
21 discussed exhaustively above, the correct adjusted  
22 defense level is 19.

23           **¶40** Defendant respectfully objects to the improper  
24 addition of +4 points under USSG § 2C1.1(b) (3).  
25 Defendant was not convicted of any offense covered  
26 by this section. Therefore, this specific offense

1 characteristic is inapplicable. As such, no points  
2 should be added.

3 **¶45** Defendant respectfully objects to the improper  
4 calculation of the adjusted offense level as 28.  
5 As discussed exhaustively above, the correct  
6 adjusted defense level is 19.

7 **¶46** Defendant respectfully objects to this  
8 paragraph as it is completely inapplicable to this  
9 case. Please see exhaustive discussions above as  
10 to multiple count adjustment being inapplicable in  
11 this matter.

12 **¶47** Defendant respectfully objects to the  
13 inclusion of a "greater of the adjusted defense  
14 levels." As discussed exhaustively above, there is  
15 no basis in this matter for a multiple count  
16 adjustment.

17 **¶48** Defendant respectfully objects to the  
18 inclusion of this paragraph. As discussed above  
19 exhaustively, there is no basis in this matter for  
20 a multiple count adjustment.

21 **¶49** Defendant respectfully objects to the  
22 inclusion of a "combined adjusted defense level."  
23 As discussed exhaustively above there is no basis  
24 in this matter for a multiple count adjustment.  
25 The defendant respectfully objects to the  
incorrect calculation of 29 points. Correct  
calculation of the adjusted offense level is 19.

26 **¶54** Defendant respectfully objects to the  
incorrect calculation of the total offense level  
as 24. As discussed exhaustively above, the  
inclusion of multiple count adjustment is

1 inapplicable in this matter. The correct total  
2 offense level is 14.

3 **¶119** Defendant respectfully objects to the  
4 incorrect calculation of an offense level of 24  
5 and a resulting guideline range of 51 to 63 months  
6 imprisonment. As discussed exhaustively above, no  
7 multiple count adjustment is applicable in this  
8 matter. The correct total offense level is 19.  
With a criminal history category of I, the correct  
guideline range is 15 to 21 months.

9 **¶120** Defendant respectfully objects to this entire  
10 paragraph as inapplicable. As discussed  
11 exhaustively above, there was no stipulation by  
12 the parties, there was no stipulation filed by the  
13 parties, nor any intent by the parties to invoke  
USSG§2B1.1(b) (2). As such, multiple count  
14 adjustment is an applicable to this matter.

15 **¶125** Defendant respectfully objects to this  
16 paragraph.

17  
18 RESPECTFULLY,

19  
20 \_\_\_\_\_/S/  
21 Jennifer J. Wirsching  
22 2600 West Olive Ave. 5<sup>th</sup>  
23 Burbank, CA 91505  
24 424-355-5907  
25 wirschinglaw@outlook.com  
Attorney for Defendant  
Malahat Rafiei

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 22, 2025, I  
3 electronically filed the above '**DEFENDANT'S**  
4  
5 **OBJECTIONS/CORRECTIONS TO THE PSR**' with the Clerk of  
6 Court using the CM/ECF system, which will send  
7 notification of such filings to counsel of record.

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10 /s/ Jennifer Wirsching  
11 Jennifer Wirsching  
12 Attorney for Melahat Rafiei  
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